

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 2-5, 7, 9, 11, 13, and 15-19 are currently pending. Claims 16-19 are hereby added. Claims 1, 6, 8, 10, 12 and 14 are hereby canceled. Claims 2, 4 and 16 are independent. Claims 2, 3, 4, 9 and 11 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. ALLOWABLE SUBJECT MATTERS

Applicants thank the Examiner for noting that claims 3 and 4 recite allowable subject matter. Applicants have chosen not to re-write claim in independent form at this time.

III. CLAIM OBJECTIONS

Claims 2 and 4 have been amended herein to overcome the objection to those claims. Claims 1 and 10 have been canceled making moot the objection to those claims.

Applicants respectfully request withdrawal of the objection to claims 2 and 4.

IV. REJECTIONS UNDER 35 U.S.C. §112

Claim 8 has been canceled making moot the rejection that claim.

V. REJECTIONS UNDER 35 U.S.C. §102

Claims 1, 2 and 5-15 were rejected under 35 U.S.C. §102 as allegedly anticipated by U.S. Patent No. 6,233,345 to Urwyler.

Applicants respectfully traverse this rejection.

Independent claim 2 is representative and recites, *inter alia*:

“a belt-shaped strap portion in which the middle part of said cord is inserted into a cylindrical belt and end members fixing said cord and said cylindrical belt are provided at both ends of the cylindrical belt;

...

wherein the end member includes separate upper and lower members.”

As understood by the Applicants, Urwyler discloses a an earphone assembly for mounting on eyeglasses having a hollow flexible tube with open ends. A wire passes through the hollow of the tube and connects earphones disposed at each open end of the tube.

In contrast, claim 1 recites, “a belt-shaped strap portion in which the middle part of said cord is inserted into a cylindrical belt and end members fixing said cord and said cylindrical belt are provided at both ends of the cylindrical belt . . . wherein the end member includes separate upper and lower members.” That is, in an aspect of the present invention, a cord is passed through a belt-shaped portion to connect a left side driver unit to a right side driver unit. End members (stoppers) fix the cord and the belt-shaped portion where the cord emerges therefrom.

Publ. App. par. [0039].

Moreover, each end member is constructed of a lower stopper member and an upper stopper member that are engaged with each other. The upper and lower members cooperate to captivate the cord and the belt-shaped portion. Publ. App. pars. [0049]-[0052] and in FIGS. 4A, 4B, 5A and 5B.

These features are not disclosed in the Urwyler reference.

Claim 2 is believed patentable over Urwyler because that reference does not disclose each and every element recited in the claim.

For reasons similar or somewhat similar to those described above with regard to independent claim 2, independent claims 4 and 16 are also believed to be patentable.

VI. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 2-5, 7, 9, 11, 13, and 15-19 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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